

AMENDMENT TO H.R. 758
OFFERED BY Mr. Deal

At the end of the bill, add the following:

1 SEC. 7. PRICE DISCLOSURE REGARDING BREAST CANCER
2 TREATMENT.

3 Title III of the Public Health Service Act is amend-
4 ed—

5 (1) by redesignating section 313 as section
6 312A; and

7 (2) by inserting after section 312A, as so redes-
8 ignated, the following:

9 “SEC. 313. PRICE DISCLOSURE REGARDING TREATMENT OF
10 BREAST CANCER.

11 “(a) IN GENERAL.—Not later than 18 months after
12 the date of the enactment of this section, for the purpose
13 of improving the ability of breast cancer patients to select
14 the health care provider that best fits their individual
15 needs by improving public disclosure of the prices that
16 health care providers charge for common health care items
17 and services which breast cancer patients can expect to
18 receive during the course of their treatment for this dis-
19 ease, the Secretary shall implement a program under
20 which the Secretary discloses the information described in

1 subsection (b)(1) through a publicly accessible Internet
2 site. The Secretary shall update such information not less
3 than twice per calendar year.

4 “(b) COLLECTION AND SUBMISSION OF INFORMA-
5 TION BY STATES.—

6 “(1) AGREEMENTS.—In carrying out subsection
7 (a), the Secretary shall seek to enter into an agree-
8 ment with each State under which the State collects
9 and submits to the Secretary the following informa-
10 tion:

11 “(A) The name of—

12 “(i) each hospital, nursing facility,
13 clinic, and outpatient surgery center in the
14 State; and

15 “(ii) each health care provider in the
16 State in any other category of health care
17 providers determined appropriated by the
18 Secretary for purposes of this section.

19 “(B) The price charged by each person
20 identified pursuant to subparagraph (A) to a
21 self-pay patient for each health care item and
22 service generally received by breast cancer pa-
23 tients during the course of their treatment.

1 “(2) IDENTIFICATION OF ITEMS AND SERVICES;
2 GUIDANCE.—Not later than 6 months after the date
3 of the enactment of this section, the Secretary—

4 “(A) after consultation with breast cancer
5 patients and physicians who frequently treat
6 breast cancer patients, shall determine and dis-
7 close to the States the health care items and
8 services generally received by breast cancer pa-
9 tients during the course of their treatment; and

10 “(B) shall issue guidance to the States on
11 the collection and submission of information for
12 purposes of this section.

13 “(3) STATE PLANS.—Each agreement with a
14 State under paragraph (1) shall provide for the
15 State to submit to the Secretary, not later than 1
16 year after the date of the enactment of this section,
17 a plan for collecting and submitting information in
18 accordance with this section.

19 “(4) USE OF CONTRACTOR.—For purposes of
20 collecting and submitting information in accordance
21 with this section, a State may select and enter into
22 a contract with a public or private entity meeting
23 such criteria and qualifications as the State deter-
24 mines appropriate.

25 “(c) INCENTIVES FOR IMPLEMENTATION.—

1 “(1) IN GENERAL.—If the Secretary finds that
2 a State is not collecting and submitting information
3 in accordance with this section for any day on or
4 after 18 months after the date of the enactment of
5 this section, the Secretary shall reduce the total
6 amount that would otherwise be made available to
7 the State under this Act for the fiscal year involved
8 by \$25,000 for each such day.

9 “(2) CORRECTIVE ACTION.—The Secretary
10 shall not make a reduction under paragraph (1) with
11 respect to a State if—

12 “(A) the State demonstrates to the Sec-
13 retary’s satisfaction that the State is making a
14 good faith effort to collect and submit informa-
15 tion in accordance with this section;

16 “(B) not later than 60 days after the date
17 of the finding under paragraph (1), the State
18 submits to the Secretary (and the Secretary ap-
19 proves) a corrective action plan; and

20 “(C) not later than 1 year after the date
21 of submission of the approved plan, the State
22 fulfills the terms of such corrective action plan.

23 “(3) RETURN OF FUNDS.—Out of funds appro-
24 priated to the Department of Health and Human
25 Services for the fiscal year involved, the Secretary

1 shall deposit the amount of any reduction under this
2 subsection into a fund that shall only be used to in-
3 crease public awareness about the need for early de-
4 tection of breast cancer.

5 “(4) TERRITORIES AND POSSESSIONS.—Not-
6 withstanding section 2(f), this subsection applies
7 only with respect to the 50 States and the District
8 of Columbia.

9 “(d) TECHNICAL ASSISTANCE.—The Secretary shall
10 provide States with technical assistance to aid in collecting
11 and submitting information pursuant to this section.

12 “(e) PROGRAM DESIGN AND IMPLEMENTATION.— In
13 implementing the program under this section, the Sec-
14 retary shall ensure that—

15 “(1) the information made available through
16 such program is in a format that is easily accessible,
17 useable, and understandable to the public;

18 “(2) such information is as current as deemed
19 practical by the Secretary and is updated at least
20 twice per calendar year; and

21 “(3) the Secretary periodically solicits com-
22 ments from a sampling of individuals who access the
23 information through such program on how to best
24 improve the utility of the program.

1 “(f) ANNUAL REPORTS.—Not later than 2 years
2 after the date of the enactment of this section and each
3 subsequent year, the Secretary shall submit to the Com-
4 mittee on Energy and Commerce of the House of Rep-
5 resentatives and the Committee on Health, Education,
6 Labor, and Pensions of the Senate a report on the activi-
7 ties (and the results of such activities) of the program
8 under this section during the previous 12-month period.
9 Each such report shall include—

10 “(1) an estimate of the cost savings to breast
11 cancer patients resulting from the program;

12 “(2) a description of the extent to which infor-
13 mation made available through the program is
14 accessed by breast cancer patients and individuals
15 seeking to assist breast cancer patients in selecting
16 the most appropriate health care provider; and

17 “(3) a description of the extent to which com-
18 ments received under subsection (e)(3) were used
19 during the year involved to improve the utility of the
20 program.

21 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed—

23 “(1) to limit the Secretary’s ability to combine
24 the information disclosed under this section with any
25 other price or quality information the Secretary

1 deems appropriate so long as the other information
2 disclosed does not lessen a breast cancer patient's
3 ability to easily access the pricing information re-
4 lated to his or her disease;

5 “(2) to limit the States' ability to voluntarily
6 submit more pricing and quality information than is
7 required by the Secretary pursuant to this section;
8 or

9 “(3) to limit the Secretary's ability to disclose
10 through a publicly accessible Internet site any infor-
11 mation that was voluntarily submitted by a State.”.



